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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,324	02/06/2004	Wen-Chieh Lu	MR1941-176	4518
4586	7590	10/06/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLIOTT CITY, MD 21043			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## *W* Office Action Summary

	Application No.	Applicant(s)
	10/772,324	LU, WEN-CHIEH
Examiner	Art Unit	
Winnie Yip	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 06 February 2004.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 06 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This is a first office action for application Serial No. 10/772,324 filed February 6, 2004.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is ejected under 35 U.S.C. 103(a) as being unpatentable over French Patent No. 2,627,679 in view of Mai (US Patent No. 5,954,417).

French Patent shows and teaches an umbrella comprising safety and alarm enhancement device, comprising: a tubular shank (1) having a canopy (3) mounted on upper part of the shank, and a handle at a lower part of the shank, an electro luminescence wire (20) being installed in a tubular luminescent strip (4) on the canopy (3), a control unit and a battery compartment being installed inside the handle, a power cord extending upward from the control unit and connected to a lamp (9) and to power the electro luminescence wire (20) to emit or flash light, and a mirror at each end of the rib providing an optional weight for the canopy and providing reinforce alarming effects, whereby the electro luminescence emits a light of short waves that are free from obstruction by rain or fog, giving light alarm without any dead angle when use and providing high visibility to prevent accidents. Wherein French Patent teaches the electro luminescence wire being installed along the ribs of the umbrella frame over the canopy but does not disclose the electro luminescence wire being installed along the rim of the canopy of the umbrella, Mai teaches an umbrella comprising a lighting strip including a plurality of

lightings (83) connected by a electro wires (831) and being installed inside a tubular transparent strip (84) mounted on a canopy over a frame of the umbrella. Mai teaches the lighting strip (831") and the tubular transparent strip (84") would be mounted along the ribs of umbrella frame (see Fig. 5) or would be mounted along a rim of the canopy (see Fig. 1) as desired. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the umbrella of French Patent having electro luminescent wire being mounted along the rim of the canopy instead of mounted on the ribs of the umbrella as obvious design choice as taught by Mai for the providing larger emitting or flashing light area to allow an user to hold the umbrella in any direction with a larger angle of visibility to prevent accident.

***Citations***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Japanese Patent No. 6-296510 and No. 7-323907 teach various umbrellas having electro luminescence elements for improving the safety even as similar to the claimed invention. Andreasen '922, Pennella '385, Levin '120, Japanese Patent No. 10-52304 teach various umbrellas having lighting elements for providing safety and visibility of using the umbrella. Yamamoto teaches an umbrella having tension bodies secure along the rim of the umbrella. Edelking '306 teaches an umbrella having electro reflective plates secured on the canopy that could provide reinforcing alarming effects as similar to the claimed invention. Chien '867 teach a lighting arrangement having electro-luminescent lightings connected by a electro wire being arranged to emit light in multiple directions.

***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3637

way  
August 27,205